

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 18, 2006
Comment Deadline: November 17, 2006
Corps Action ID #: SAW-2006-20844-217

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. Stephen M. Harris, seeking Department of the Army authorization to permanently impact 642 linear feet of streams having important aquatic functions and 2.78-acres of non-jurisdictional isolated wetlands associated with the construction of a waterfowl impoundment near Providence, Caswell County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Mr. Stephen M. Harris
1450 Jack Pointer Road
Semora, North Carolina 27343

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The proposed site for this impoundment is at 256 Jefferess Extension, Providence, Caswell County, North Carolina (Latitude 36.5193 and Longitude 79.3770). The site contains unnamed stream channels and isolated wetlands which drain to Hogans Creek, a tributary to the Dan River.

Existing Site Conditions

The existing site conditions for the proposed project contains approximately 2.89-acres of non-jurisdictional isolated wetlands, 1,300 linear feet of an unnamed tributary to Hogans Creek, and land adjacent to Hogans Creek. The wetlands are comprised of typical emergent vegetation including *Juncus spp.*, *Carex spp.*, green ash samplings (*Fraxinus pennsylvanica*) and blackberry (*Rubus spp.*). The remaining upland areas are comprised

of current agricultural fields and woodlands. Vegetation within the woodland area is comprised of loblolly pine (*Pinus taeda*), tulip poplar, black cherry (*Prunus serotina*), sourwood (*Oxydendrum arboreum*), and other typical species.

Applicant's Stated Purpose

The project is to provide wetland habitat for wintering waterfowl to aid with recreational hunting.

Project Description

The proposed project would construct a dike 2-3 feet high, 650 feet in length with the installation of a flashboard riser. This riser would be installed slightly below the existing bed of the unnamed stream with a rip-rap energy dissipater area at the dike outlet. The riser would allow the unnamed stream, isolated wetlands and adjacent fields to be flooded from November 1 until February 28. The dike itself would result in 60 linear feet of direct stream impact and would be stabilized with vegetation upon completion. The remaining 582 linear feet of stream impact results from flooding and is considered a permanent impact. Hogans Creek would not be impacted by this proposal.

The applicant is currently developing a compensatory mitigation package containing possible on-site preservation with the potential for stream and buffer enhancement.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 10, 2006.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

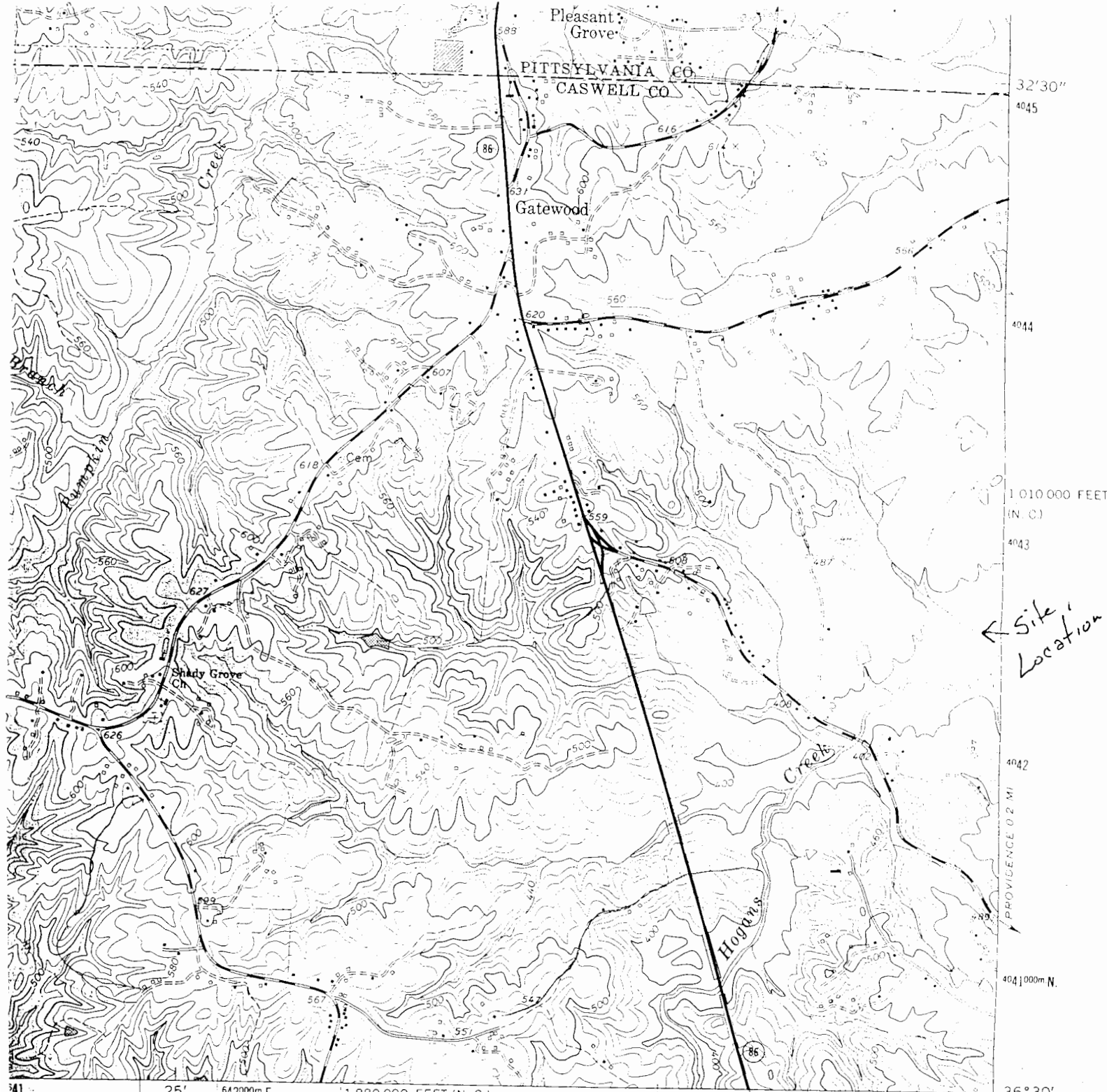
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

In addition, any person may request, in writing, within the comment period specified in this notice, that an additional public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 17, 2006. Comments should be submitted to Mr. Monte Matthews, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina, 27615.



41 25' 642000m E. 1 880 000 FEET (N. C.)

1 MILE
7000 FEET
OMETER

42 VIRGINIA REQUEST

INTERIOR-GEOLOGICAL SURVEY WASHINGTON D. C. - 1971

YANCEYVILLE (U.S. 158) 5 MI.
CHAPEL HILL 48 MI.

36° 30' 79° 22' 30"

ROAD CLASSIFICATION

Heavy-duty	—	Light-duty
Medium-duty	- - -	Unimproved dirt

U. S. Route
State Route

DANVILLE, VA.—N. C.

SW/4 DANVILLE 15' QUADRANGLE

N3630—W7922.5/7 5

1965

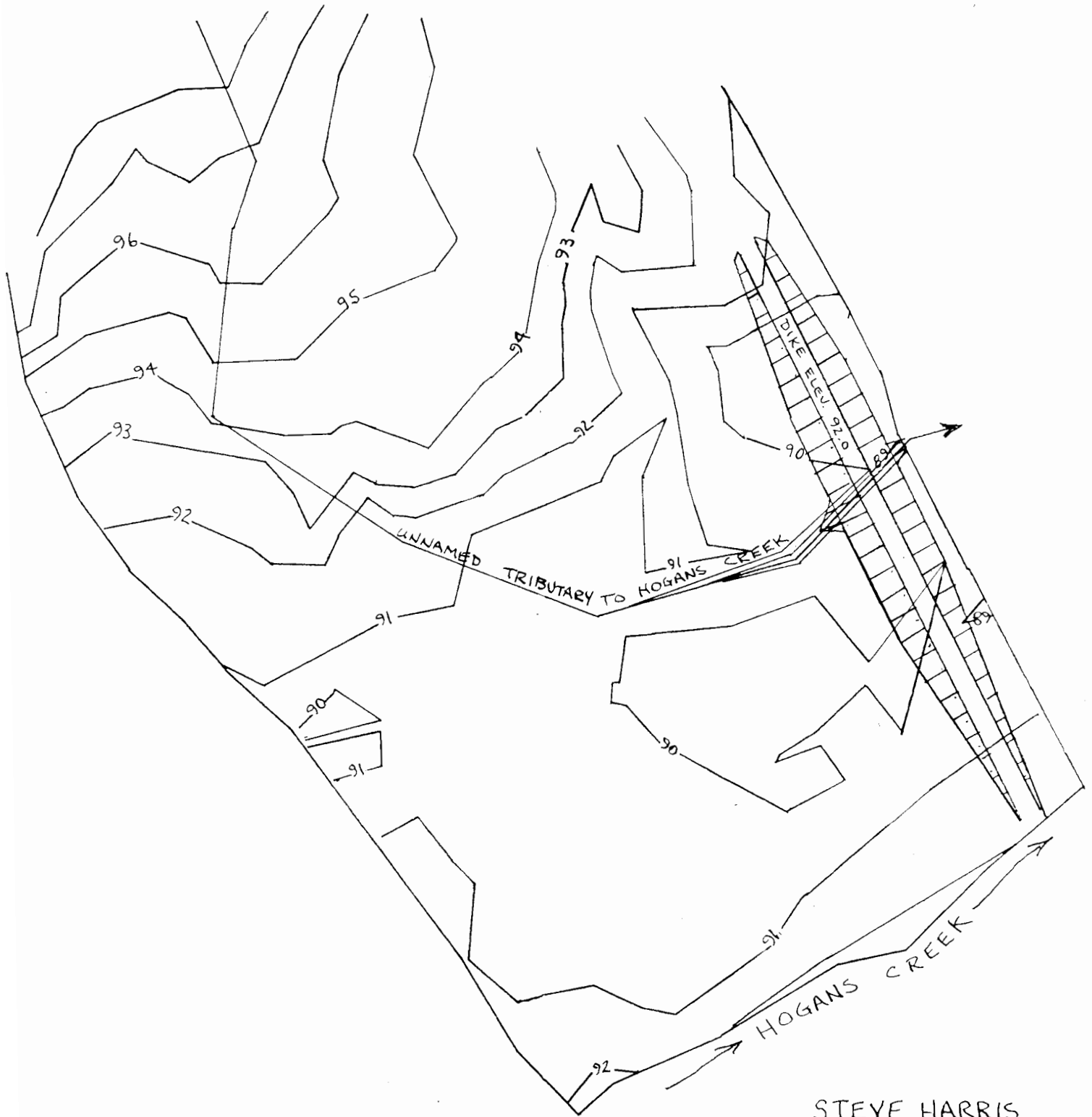
PHOTOREVISED 1970

AMS 5157 JUL SW SERIES V834

Action Id: 2006-20844

Attachment 1 of 3

PLAN VIEW



STEVE HARRIS
DIKE - WILDLIFE
IMPOUNDMENT

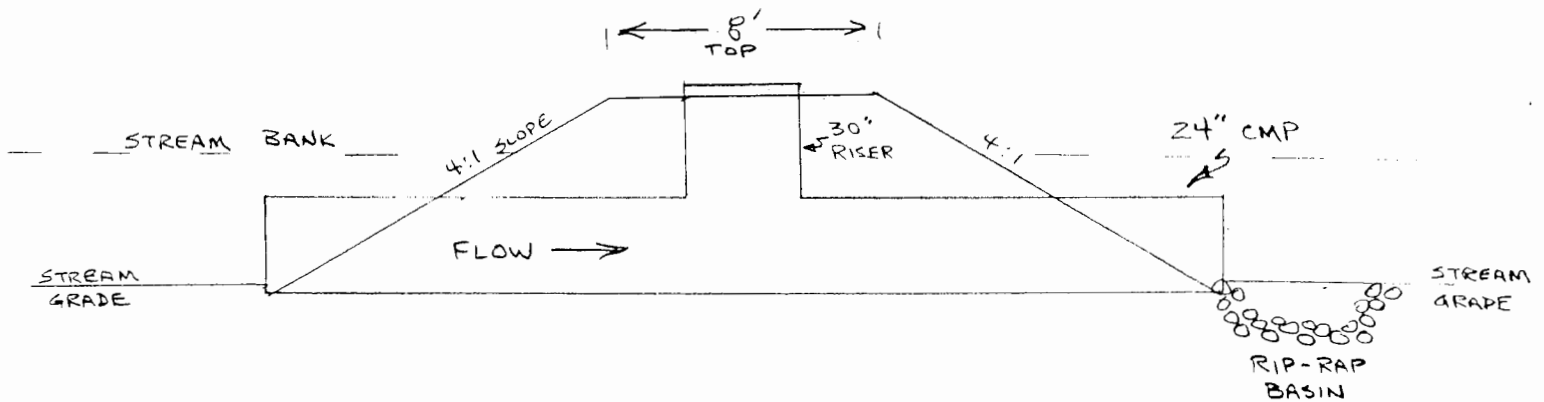
1" = 140'

RECEIVED

SEP 27 2006

RALEIGH REGULATORY FIELD OFFICE

TYPICAL CROSS SECTION



STEVE HARRIS
DIKE